

Students with Dual Labels

A Collaborative Approach for English Language Learners with Disabilities

Gerry Haskins

Jennifer (Jeni) J. Huber

Arizona Department of Education
Exceptional Student Services/Educator & School Excellence
Office of English Language Acquisition Services

Session Format

- Background
- Legal Obligations
- Implementation of Programs & Services
- ELP Assessment
- Exit from ELL Status
- Questions

Arizona Public Schools

FY15 Demographics

*Approximate
numbers*

Students in AZ Public
Schools

1,212,221

Students receiving
Special Education

136,183

ELL Students

79,677

English Language Learners with
Disabilities

12,330

ACRONYMS

- AAC - Arizona Administrative Code (Board Rule)
- ARS - Arizona Revised Statutes
- ESEA - Elementary and Secondary Education Act of 1965
- ESSA - Every Student Succeeds Act (2015)
- FAPE - Free Appropriate Public Education
- IDEA - Individuals with Disabilities Education Act
- IEP - Individualized Education Program
- ILLP - Individual Language Learner Plan
- LRE - Least Restrictive Environment
- OCR - Office for Civil Rights
- SEI - Structured English Immersion
- SLD - Specific Learning Disability

Definition of Terms

English Learners

ESSA

ESSA defines an “English learner” as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language that may be sufficient to deny him or her the ability to meet challenging state academic standards.

Student with a Disability

IDEA Part B

34 CFR §300.8

Child with a disability means a child evaluated in accordance with Sec. Sec. 300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

Two prongs!

1. Disability category under IDEA
2. Adverse impact and need for specially designed instruction

True or False?

Students who are still learning English cannot be found eligible for special education because they are ELLs.

- False – English language proficiency and cultural factors must be ruled out as the *determining* fact in the learning difficulty – they are not the primary cause, but they still may exist.

Identifying English Language Learners with a Disability

- A student may not be determined to be a student with a disability **if the determinant factor is the student's limited English proficiency**, and if the student does not otherwise meet the IDEA's definition of a "child with a disability."

34 CFR§300.306(b)(1)(iii)and (2)

- There is **no** requirement in ESEA or in IDEA that English Language Learners may not be evaluated for special education services for a certain period of time.

Students with Dual Labels: English Language Learners with Disabilities

English language learners (ELLs) with disabilities have unique learning needs and challenges because of the interaction of their disability with learning a new language.

These students have a language *and* a disability need.

Legal Obligations



True or False?

Receiving both ELD instruction and special education and related services is “double-dipping” and not allowable.

- **False** – the programs and services are different; children who qualify are entitled to those services.

Students with Dual Labels: English Language Learners with a Disability

English Language Learners

- Who have an Individualized Education Program (IEP)
- Are **legally** entitled to services
 - ✓ English Learner Program
 - ✓ Special Education Program

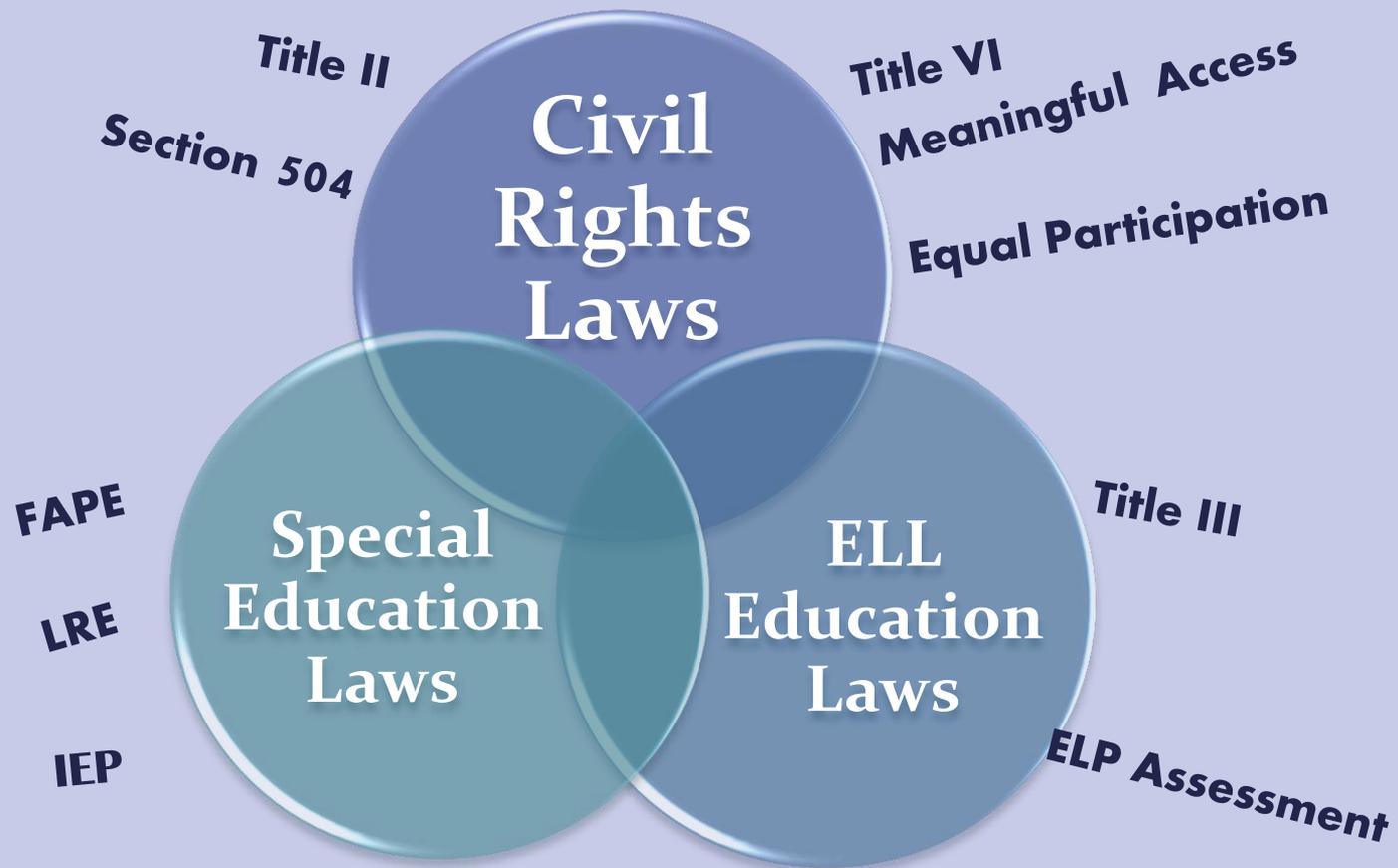


Laws that Address ELLs with Disabilities

Federal and State Laws both address the education of ELLs with disabilities:

- ✓ Integrate 2 sets of legal requirements
 - Laws that pertain to instruction for ELLs
 - Laws that pertain to providing special education services

Federal Laws/Entitlements for ELL Students with Disabilities



Arizona Statutes & Code

Arizona Revised Statutes

- §15-751 – §15-757
English Language
Education for Children in
Public Schools

<http://www.azleg.gov/arsDetail/?title=15>

Arizona Administrative Code

- R7-2-306
English Language Learner
Programs

<https://www.azsos.gov/rules/arizona-administrative-code#ID7>

Arizona Revised Statutes

§15-751 – §15-757

English Language Education for Children in Public Schools

15-755 Standardized testing for monitoring education progress

All students with disabilities shall be included in all general state and district assessments, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education program, in accordance with 20 United States Code section 1412.

Arizona Administrative Code

R7-2-306 English Language Learner Programs

R7-2-306 (D)

Assessment of students in special education or in the special education referral process. If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsections (B) and (C) inappropriate for a particular special education student, the LEA shall employ alternate procedures for identifying such students or assessing their English language proficiency.

Persons conducting the English language assessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.

Arizona Administrative Code

R7-2-306 English Language Learner Programs

R7-2-306 (H)

Reassessment of special education students for English language reclassification. If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsection (G) inappropriate for a particular special education student, the LEA shall employ alternate procedures for reassessing the student for purposes of English language reclassification. ***Persons conducting the English language reassessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.***

Summarizing the Legal Requirements

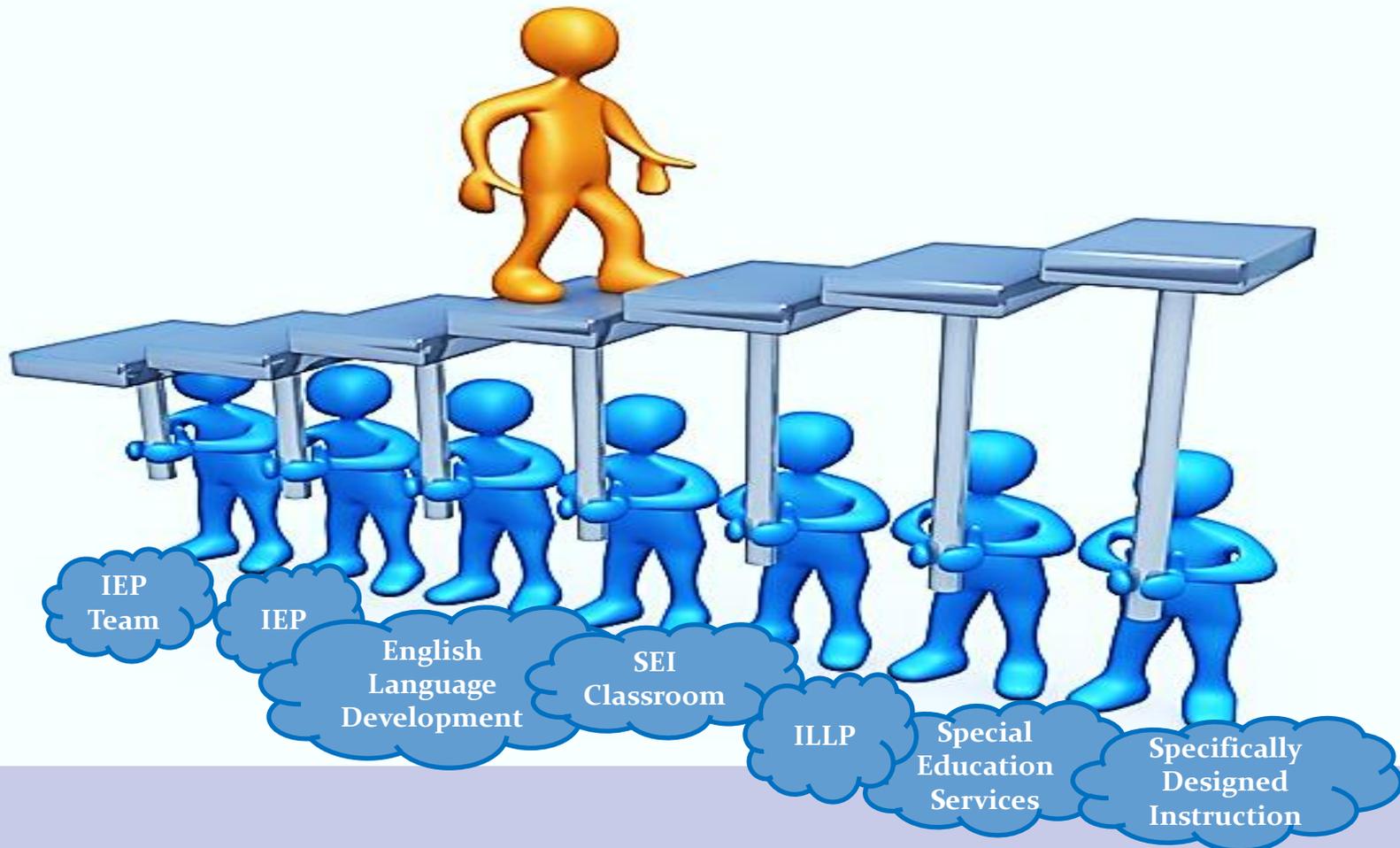
For ELLs

- ESSA
 - ✓ Establishes funding guidelines
 - ✓ Identification/placement: All students who might be ELs must be assessed for the EL status within 30 days of enrollment
- ARS
 - ✓ Assessments with appropriate accommodations & alternate assessments as indicated in IEP
 - ✓ SEI Models
- A.A.C.
 - ✓ Identification
 - ✓ Assessment/Reclassification

For Students in Special Education

- ESSA
 - ✓ Includes students with disabilities in accountability measures
 - ✓ All assessments must be developed using principles of UDL
- IDEA
 - ✓ Impact of language acquisition process considered in MET
 - ✓ Assessment in language and form accessible to student
 - ✓ Notices understandable to parent
 - ✓ Services to address all areas of concern
- A.R.S. & A.A.C. mirror IDEA

Implementation of Programs and Services



Language Learning or Disability?

Assessment dilemmas

- ✓ Evaluations/assessments for special education eligibility are typically all in English
- ✓ Assessments tend to be linguistically complex
- ✓ Many ELL students are not proficient in their home language so bilingual assessment tools may be inadequate for distinguishing language learning from disability
- ✓ Referral process is subjective and biased
- ✓ RtI/MTSS interventions are rarely culturally relevant



- The IEP team makes decisions about what is in the IEP.
 - Develop appropriate academic and functional goals
- It is essential that persons with expertise in second language acquisition are members of the IEP team.
 - ELL coordinator and/or the ELL teacher

Individualized Education Program (IEP) Team

- The IEP team must consider the language needs of the child as those needs relate to the child's IEP.

34 CFR § 300.324(a)(2)(ii)

(2) Consideration of special factors. The IEP Team must—

- (ii) In the case of a child **with limited English proficiency**, consider the language needs of the child as those needs relate to the child's IEP;

- The IEP team must take whatever action is necessary to ensure that the student's parents *understand* the proceedings of the IEP team meeting, including an interpreter.

Individualized Education Program (IEP) Team

- Identify the **language needs** of the student
 - Distinguish language proficiency from disability needs
 - Determine language deficiencies and most appropriate services
- **Document** the IEP Team's decisions in the student's IEP
 - The IEP drives the educational program and services
 - Documentation can be captured anywhere in the IEP
 - ✓ Consider using the PLAAFP* section and the services section



*Present Level of Academic Achievement & Functional Performance

Delivery of Language Services

The two programs must **collaborate** to determine the **most effective** approach to instruction.

- A model of **collaboration** must be developed.

SEI Model

All English language instruction is delivered in the **SEI program**.

- SEI classroom placement for 4 hours of ELD, or
- Mainstream classroom/ILLP (4 hours).

Special education services delivered in the SEI classroom

Split Model

English language instruction may be split between the **special education program** and the **SEI program**.

- SEI classroom placement for part of the 4 hours of ELD, or
- Mainstream classroom/partial ILLP.
- Special education program placement for part of the English language instruction.

Special Education Model

All English language instruction is delivered in the **special education program**.

- SEI program will not meet the specific needs of the student because of the impact of the disability.

ELL Procedures and Documentation



Use the **same** procedures and documentation as required for all ELLs.

- ✓ Home Language Survey and Enrollment Form
- ✓ Initial and yearly English language assessment
- ✓ Parent Notification and Consent Form (yearly)
- ✓ Parent Request for Student Withdrawal from an English Language Learner Program
- ✓ Copy of the Reclassification Letter to parents
- ✓ Two-year Monitoring Form



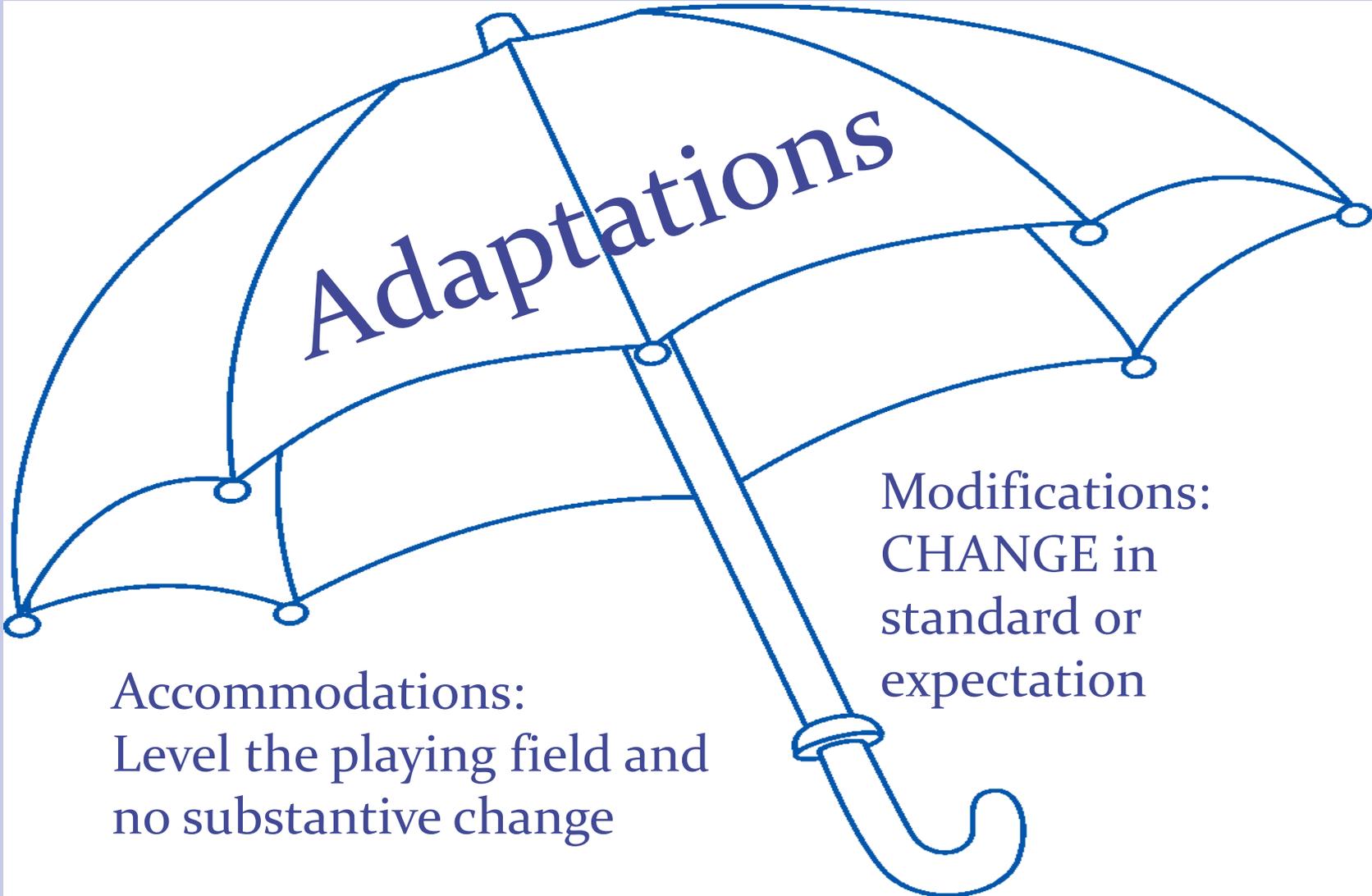
Parent Withdrawal from an ELL Program

- Parents can refuse to have their children enrolled in an ELL program.
 - LEAs cannot recommend that parents decline services.
 - A parent's decision must be knowing and voluntary.
- When a parent declines participation the LEA ***must still*** assess the student's English language proficiency with the annual English language proficiency assessment, until that student no longer meets the definition of an ELL.

Students with Disabilities in the SEI and ILLP Classroom

Teachers need to know:

- Level of English language proficiency
- Specific information about the student's disability and eligibility category
- How the disability impacts learning
- Need(s) for specially designed instruction
- Services, accommodations/modifications in the IEP
- Annual learning goals
- How the student processes language



Adaptations

Accommodations:
Level the playing field and
no substantive change

Modifications:
CHANGE in
standard or
expectation

Students with Disabilities in the SEI and ILLP Classroom

These students may need adaptations which may include accommodations or modifications due to their disability.

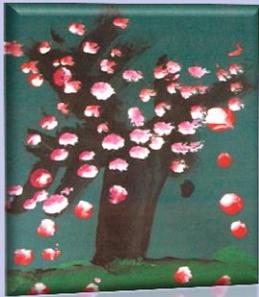
- ✓ Use of audio
- ✓ Use of video and visual aids
- ✓ Location in the classroom
- ✓ Strategic grouping
- ✓ Wait time/Extra time
- ✓ Scaffolding Instruction
- ✓ Procedural scaffolding
- ✓ Type of assessment
- ✓ Paraphrasing
- ✓ Repetition
- ✓ Sensitive to frustration levels
- ✓ Adjustment of environmental factors



English Language Proficiency Assessment

Arizona English Language Learner Assessment

AZELLA



Federal Requirements for Assessment

Assess
ELP of
all ELLs



All SWDs
must be
included in
general State
assessments
34 CFR §300.160



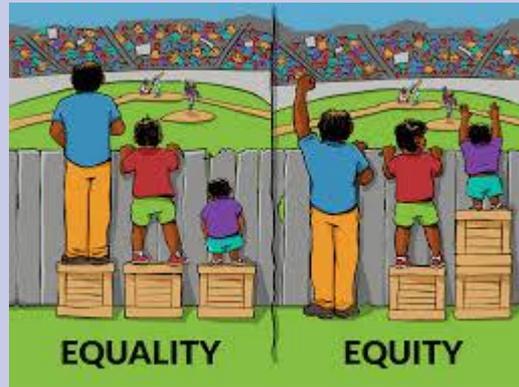
All Dual
Labeled
students must
be included in
annual ELP
assessments

Federal Requirements

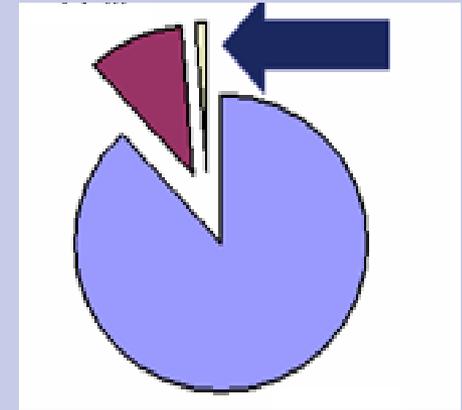
Participation in ELP Assessment



Regular ELP assessment with no accommodations



Regular ELP assessment with one or more appropriate accommodations **as indicated in the student's IEP**



Alternate assessment, if the IEP Team determines the student cannot participate in the regular state ELP assessment even with appropriate accommodations

Document in the IEP

- The IEP Team must include in the student's IEP a statement of:
 - ✓ Why the child cannot participate in the regular State assessment.
 - ✓ Why the particular alternate assessment selected is appropriate for the child.

34 CFR 300.320(a)

20 U.S.C. 1414(d)(1)(A)(i)

AZELLA

AZELLA Testing Conditions and Accommodations

➤ <http://www.azed.gov/assessment/azella/>

→ Choose Test Coordinator

✓ AZELLA Testing Conditions and Accommodations

❖ Universal Test Administration Conditions

❖ Test Accommodations for Students with Disabilities

ARIZONA ENGLISH LANGUAGE LEARNER ASSESSMENT

Any questions pertaining to the administration of
AZELLA

Please contact the AZELLA Team
AZELLA Inbox
AZELLA@azed.gov

or

602-542-5031
Brenda Wright
AZELLA State Test Coordinator

Exit from ELL Status



Exit from ELL Status

“Withdrawn due to SPED Criteria” in AzEDS (Code: ELLo7)

- This decision is made by the IEP Team, which includes the ELL coordinator and/or the ELL teacher.
 - ✓ The IEP Team must be in agreement on this decision.
 - ✓ The student **no longer meets the definition of an ELL.**
 - Student meets the State’s definition of proficiency.
 - There is **evidence that the student does not have a language need.**
- Clearly document this decision and the evidence for this decision in the student’s IEP.

What does “Proficient” mean?

“Once English learners have acquired a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms.”

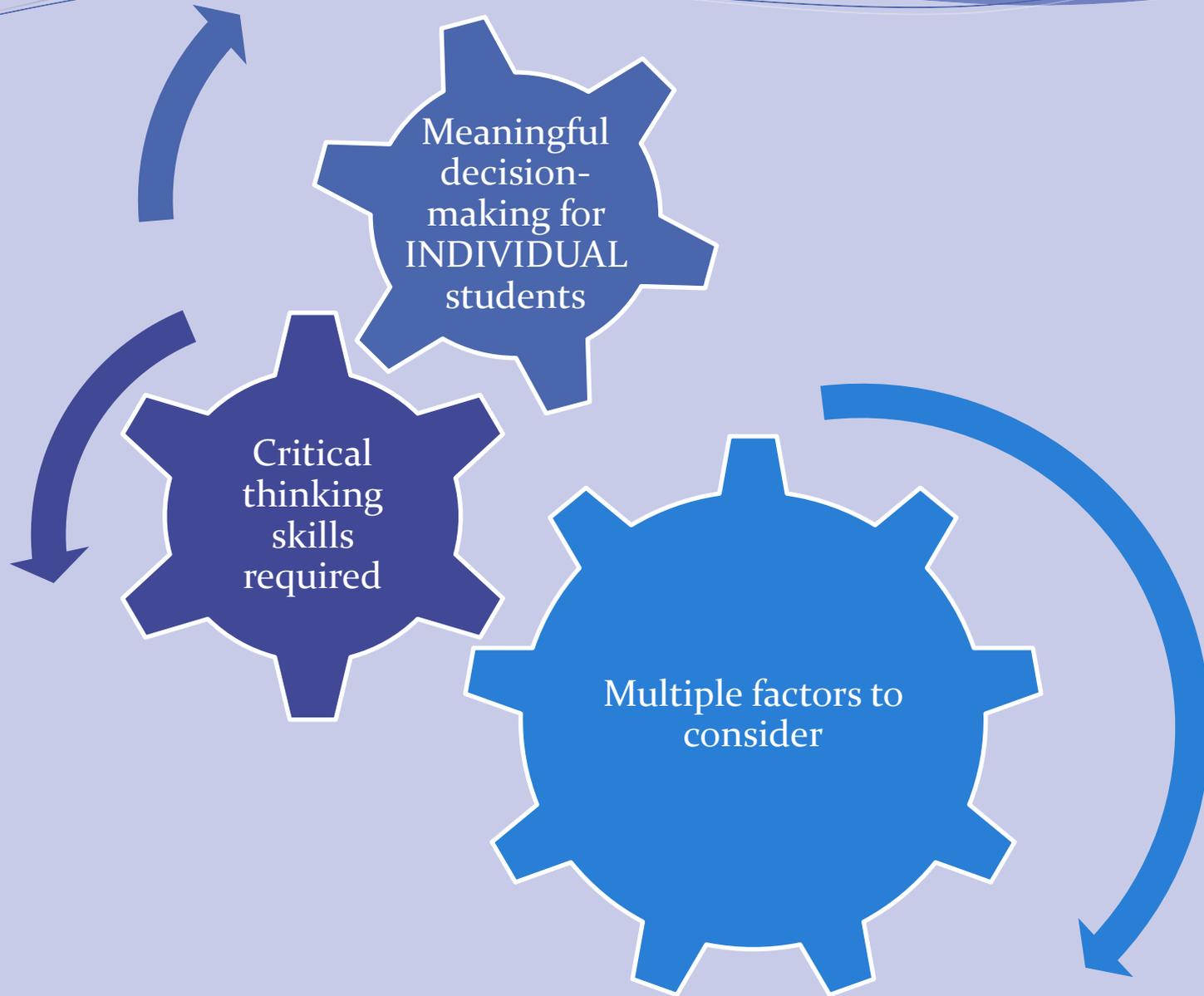
A.R.S. 15-762

Misrepresentation in Special Education

- Long history of overrepresentation of students with “low status” backgrounds in special education – over four decades
- Students whose ethnicities are Black, Latino(a) and Native American tend to be overrepresented compared with white and all students
- Asians tend to be underrepresented, with the exception of some Southeast Asian groups
- English language learners tend to be disproportionately labeled specific learning disability (SLD) and speech/language impaired (SLI)

Consequences of Disproportionate Representation

- Over 1/3 of students with SLD drop out of school
- Culturally and linguistically diverse students with SLD are less likely to go to college than white students with SLD
- Much greater percentage of youth with disabilities in detention, private & public correctional facilities
- Disproportionate representation signals larger systemic issues and the need for more culturally responsive practice in schools



Questions?



Thank You!

gerry.haskins@azed.gov



Arizona Department of Education
Office of English Language Acquisition Services
1535 West Jefferson Street
Bin 31
Phoenix, Arizona 85007
602-542-0753

jennifer.huber@azed.gov



Arizona Department of Education
Exceptional Student Services/
Educator & School Excellence
1535 West Jefferson Street
Bin 24
Phoenix, Arizona 85007
602-364-3032